

AMENDED AND RESTATED

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
CANOA SECA ESTATES II, INC.**

WHEREAS, a Declaration of Covenants, Conditions and Restrictions for Canoa Seca Estates II, Inc., (Original Declaration") was recorded on January 13, 1999 in Docket 10962 at page 3141, et. Seq.; and

WHEREAS, that Declaration amended, in its entirety, the Declaration of Covenants, Conditions and Restrictions for Canoa Seca Estates II, Inc., recorded on October 4, 1989 in Docket 8636 at page 1126, et. Seq.; and

WHEREAS, Article XIV, Section 4 of the Original Declaration provides that it may be amended with the approval of a majority of the Owners with the term majority defined by ARS 10-3708 and ARS 10-11003; [See Article 14; Section 14.5 Amendments]; voting in person or by absentee ballot at any meeting of the Association at which a quorum is present and; provided that the amendment is signed by the President and Secretary of the Canoa Seca Estates II Homeowners Association and recorded with the Pima County Recorder's Office; and

WHEREAS, the requisite number of Owners desire to amend the Declaration of Covenants, Conditions and Restrictions for Canoa Seca Estates II, Inc.

NOW THEREFORE, all of the property described as Lots 1 through 133 and Common Areas A and B of Canoa Seca Estates II, Inc., a subdivision of Pima County, Arizona, as shown on the plat recorded in Book 43 of Maps and Plats at page 19, Office of the Pima County Recorder, will be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Property. These easements, covenants, restrictions, and conditions will run with title to any Lot within the Properties, will bind all parties having or acquiring any right, title, or interest in the Property and will inure to the benefit of each such Owner.

The Declaration of Covenants, Conditions and Restrictions for Canoa Seca Estates II, Inc., which was recorded in the Office of the Pima County Recorder, recorded on January 13,1999 in Docket 10962 at page 3141, et. Seq. is superseded in its entirety (except to the extent that any easements were granted by such Declaration, as all easements as originally granted in the plat and by any previously recorded Declaration of Covenants, Conditions and Restrictions remain in full force and effect) by this Amended and Restated Declaration of Covenants, Conditions and

Restrictions ("Declaration"), and such previously recorded Declaration, together with any amendments (if any) recorded prior to the recordation of this Amended and Restated Declaration will no longer be in effect as of the date of recording of this Amended and Restated Declaration.

This Declaration is for the guidance and benefit of all present and future Owners of all Lots within Canoa Seca Estates II, Inc., and the provisions of this Declaration are binding on all Owners and any occupants of a residence within the Association, whether Owners, tenants, guests, or invitees_